

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP AMENDMENT**
Hiroyuki Sugawara et al.)
Application No.: 10/549,623) Group Art Unit: 1797
Filed: September 20, 2005) Examiner: TERRY K CECIL
For: BLOOD TREATING SET AND CELL) Confirmation No.: 8092
TREATING SET)

RESPONSE TO HOLDING OF LACK OF UNITY OF INVENTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated September 22, 2009, the following remarks are submitted.

The aforementioned Official Action indicates that the claims in this application are directed to two different inventions. As identified in the Official Action, the two inventions are as follows.

Group I invention defined in Claims 1, 2 and 5-7 drawn to a blood treating set having the technical features of a blood collecting bag and first tube, a blood treating bag and second tube having a filter therein.

Group II invention defined in Claims 8, 11-14 and 18-21, drawn to a method of producing a blood treat set, having the technical features of a blood collecting bag and first tube, a blood treating bag and second tube having a filter therein, and the steps of aseptically connecting the tubes using a tube connecting device.

Based on the belief that the two inventions lack unity of invention, a requirement to restrict is imposed requiring an election of one of the two inventions.

In addition to Claims 1, 2, 5-8, 11-14 and 18-20 noted above, this application also includes Claims 15 and 16 which are not addressed in the Official Action. The undersigned telephoned Examiner Cecil soon after issuance of the most recent Official Action to discuss this point. Examiner Cecil responded by pointing out that the exclusion of Claims 15 and 16 was an oversight and that Claims 15 and 16 should have been included with the Group I claims.

Applicants hereby elect, with traverse, the Group I claims, Claims 1, 2, 5-7, 15 and 16.

The election of the Group I claims is made with traverse because it is believed that all of the claims of this application can be examined at the same time without serious burden. Indeed, a search and examination of all of the claims of this application has already been made as evidenced by the first Official Action on the merits issued in this application.

In light of the foregoing, withdrawal of the lack of unity holding, and examination of all of the claims of this application, including elected Claims 1, 2, 5-7, 15 and 16, are respectfully requested.

Should any questions arise in connection with this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: October 22, 2009

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